

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

**RICHARD WAYNE BOONE II,**

**Plaintiff,**

**Case No. 06-14415**

**v.**

**HONORABLE DENISE PAGE HOOD**

**TERI FIGHTER, et al.,**

**Defendant.**

\_\_\_\_\_ /

**ORDER ACCEPTING REPORT AND RECOMMENDATION**

The present matter is before the Court on Magistrate Judge Steven D. Pepe's Report and Recommendation, filed on March 27, 2007. The Magistrate Judge recommended that the Court deny Plaintiff's Motion For Show Cause and Temporary Restraining Order, filed on February 8, 2007. The Court agrees with the Magistrate Judge for the reasons set forth below.

Plaintiff brought this action pursuant to 42 U.S.C. § 1983 alleging that Defendants violated his First, Eighth and Fourteenth Amendment rights, arising out of his medical care treatment and an alleged retaliatory transfer due to his filing of grievances.

On June 20, 2007, this Court issued an Order granting Plaintiff's Motion for Extension of Time to File Response to the Magistrate Judge's March 27, 2007 Report and Recommendation. Plaintiff requested an extension to file written objections, and this Court gave Plaintiff until July 27, 2007 to file his objections to the Magistrate Judge's recommendation that Plaintiff's motion

for a temporary restraining order be denied.<sup>1</sup> A review of the docket establishes that Plaintiff has failed to file any written objections to the March 27, 2007 Report and Recommendation regarding the recommendation to deny Plaintiff's Motion For Temporary Restraining Order.<sup>2</sup>

The Magistrate Judge is correct that Plaintiff is not entitled to the relief he requests as both a Show Cause Order and Temporary Restraining Order are inappropriate under these circumstances. Specifically, Plaintiff requests that this Court Order Defendants "to show cause as to why they seized Plaintiff's property (Celebrex) without Due Process of law . . . and have retaliated against Plaintiff . . . ." (Dkt. # 13, p. 1, 3) Plaintiff likewise has not demonstrated with compelling evidence that irreparable or imminent injury will result if his Motion For Temporary Restraining Order is not granted. *See Fuentes v. Shevin*, 407 U.S. 67 (1972); *Boddie v. Connecticut*, 401 U.S. 371(1971); *Sniadach v. Family Finance Corp.*, 339 U.S. 337 (1969).

Accordingly,

IT IS ORDERED that Magistrate Judge Steven D. Pepe's March 27, 2007 Report and Recommendation is ADOPTED and ACCEPTED as this Court's findings of fact and conclusions of law.

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<sup>1</sup> At the time the Court issued its Order, Plaintiff had already filed written objections to the Magistrate Judge's Report and Recommendation to deny Plaintiff's Motion For Show Cause.

<sup>2</sup> The Court notes that on August 20, 2007, Plaintiff filed a Motion for Injunction Pursuant to Fed. R. Civ. P. 65(a). On August 27, 2007, Magistrate Judge Pepe filed a Notice to Respond to this Motion indicating that Defendants must respond within twenty-one (21) days of the date of service of Plaintiff's Motion for Injunction.

IT IS FURTHER ORDERED that Plaintiff's Motion For Show Cause and Temporary Restraining Order [**Docket No. 13, filed February 8, 2007**] is DENIED.

s/ DENISE PAGE HOOD  
DENISE PAGE HOOD  
United States District Judge

Dated: September 11, 2007

I hereby certify that a copy of the foregoing document was served upon counsel of record on September 11, 2007, by electronic and/or ordinary mail.

S/William F. Lewis  
Case Manager

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